



July 19, 2017

VIA Electronic Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

Re: Notice of Ex Parte Presentation, CG Docket No. 02-278

Dear Ms. Dortch:

On July 17, 2017, representatives of the National Council of Higher Education Resources (NCHER) had a meeting with Zenji Nakazawa, Public Safety and Consumer Protection Advisor, Office of Chairman Pai.

NCHER is a national, nonprofit trade association that represents higher education service agencies that administer education programs that make grant and loan assistance available to students and parents to pay for the costs of postsecondary education. Our membership includes organizations under contract with the U.S. Department of Education to service and recover outstanding loans made under the Federal Direct Loan Program and organizations that service and recover outstanding loans made under the Federal Family Education Loan Program (FFELP).

Those in attendance at the meeting from NCHER were:

- James Bergeron, President
- Timothy Fitzgibbon, Senior Vice President
- Shelly Repp, Senior Advisor and Counsel

Generally, at the meeting NCHER discussed the restrictions imposed by rulings and orders of the Federal Communications Commission (the "Commission") on calling student loan borrowers on their mobile devices. The following is a summary of the major points made during the meeting:

- We referred to the tools servicers and collectors of federal student loans have to help struggling borrowers. These tools, which are unique in the consumer credit space, were made available by the Congress and the U.S. Department of Education specifically to help struggling borrowers. Servicers and collectors serve as counselors in helping struggling borrowers understand and qualify for these complicated programs.
- The importance of having a phone conversation with borrowers was emphasized.

- We pointed out how the Commission’s Declaratory Ruling and Order released on July 10, 2015 (the “Ruling”) restricts the ability of student loan servicers and collectors to have live conversations with student loan borrowers.
- We also pointed out that, while Section 301 of the Bipartisan Budget Act of 2015 was intended by the Congress to provide relief from the Ruling’s restriction in the context of collecting debt owed to or guaranteed by the federal government, the Commission’s Report and Order released on August 11, 2016 (“the “Order”), which imposes a three-call-attempt-per-thirty-day period limit in the collection of federal debt, is so restrictive as to completely thwart the intent of Congress. Further, we stated that the one-call-attempt limit on calls to reassigned numbers where the caller has no knowledge that the number has been reassigned is so restrictive that it has caused many participants to refrain from any calling, for fear of being sued. We mentioned that NCHER had filed a supporting comment to the petition for reconsideration of the Order filed by representatives of Great Lakes Higher Education Corporation, Navient Corp., Nelnet Servicing LLC, Pennsylvania Higher Education Assistance Agency and Student Loan Servicing Alliance.
- We pointed out that our members do not desire to call a number that has been reassigned away from one of their customers, and that there is no incentive to do so.
- We mentioned that the National Consumer Law Center (“NCLC”), in an Ex Parte letter dated June 6, 2015 [sic] and posted on the Commission’s Electronic Comment Filing System on June 12, 2014, recommended that: “The FCC should limit collection calls to three calls per week, voicemail messages to one per week, and call-backs to once per week unless the consumer gives specific consent at the time of the call.” This recommendation by a leading consumer advocacy group is significantly more permissive than the Ruling or the Order.
- We expressed support for the Commission’s initiative, launched in the Notice of Inquiry approved by the Commission on July 13, 2017, to explore the possibilities of developing a system that will allow callers to identify numbers that have been reassigned.
- In summary, we emphasized that, while the Congress gave the Commission the authority to set limits on the number of calls, the three-call-attempt per 30-day period and the one-call-attempt limit for calling reassigned numbers are not sufficient to permit live conversations to make struggling borrowers aware of the tools the Congress and the U.S. Department has made available to help borrowers.

If you have any questions, please feel free to contact me at srepp@ncher.us or (202)822-2106.

Sincerely,

Sheldon Repp
Special Advisor and Counsel

Cc: Zenji Nakazawa